

## **SECTION II**

<b><u>Chart</u></b>			<b><u>Notes &amp; Definitions</u></b>
II-A	R-1	Residential District	Permitted Uses
II-B	R-2	Residential District	Permitted Uses
II-C	R-3	Residential and Neighborhood Business District	Permitted Uses
II-D	R-A	Residential and Agricultural District	Permitted Uses
II-E	B	Business District	Permitted Uses
II-F	I	Industrial District	Permitted Uses

### **PERFORMANCE STANDARDS**

A. PURPOSE. These performance standards are established to permit nuisances to be measured in terms of their potentially dangerous or objectionable elements rather than by classification of use which may not reflect actual conditions or nuisances. They are also established to provide controls to protect the community from dangerous or objectionable elements and to protect any potential use from arbitrary exclusion.

New construction, new facilities and new activities shall not be permitted

except in compliance with these standards. Any use already established on the effective date of this ordinance shall not be so altered or modified as to conflict with, or further conflict with, said performance standards.

B. REGULATION OF NUISANCE ELEMENTS. No land, or building or structure in any district shall be used or occupied for non-residential purposes in such a manner so that it will cause any dangerous, injurious, noxious or otherwise objectionable fire, explosion or other hazard; electrical or other disturbance; glare, or other substance, condition or element (referred to herein as "dangerous or objectionable elements") in such amount as to adversely affect the surrounding area of premises; provided that any use permitted by this ordinance may be undertaken and maintained in the respective district if it conforms to the regulations limiting dangerous and objectionable elements at the specified point or points of the determination of their existence, as provided herein.

C. LOCATION WHERE DETERMINATIONS ARE TO BE MADE FOR ENFORCEMENT OF PERFORMANCE STANDARDS. The determination of the existence of any dangerous or objectionable elements shall be made:

1. At the points where such elements shall be most apparent for fire and explosion hazards, for radioactivity and electrical disturbances, for smoke and other forms of air pollution.
2. At or beyond the property lines of the use creating such elements for glare, and for odors wherever the effect is greatest.

D. STANDARDS TO BE ENFORCED. Lighting, Glare and Heat. Every use shall be so arranged that any glare or radiant heat produced is shielded so that it is not perceptible at or beyond any boundary line of the lot on which the use is located. Exterior lighting including, but not necessarily limited to, lighting of exterior walls of buildings from an external light source, lighting of parking areas, walks and drives shall be of such intensities and shielded in such a manner as to divert direct light away from and minimize indirect light cast on adjacent property or public ways.

E. FIRE AND EXPLOSION HAZARDS. All activities involving and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices approved by the town fire department.

F. OUTDOOR STORAGE AND WASTE DISPOSAL. No materials or wastes shall be deposited on a lot in such form or manner that they may be transferred off the lot by natural causes or forces.

1. All materials or wastes which constitute a fire hazard or which may be edible by or attractive to rodents or insects shall be stored outdoors only in closed containers.

2. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground of any materials

of

such nature or temperature as can contaminate any water supply, or cause the emission of dangerous or offensive elements, shall be permitted, except in accordance with standards approved by the Massachusetts Department of Public Health and the Board of Health of the Town of Lanesborough.

II-G. USES PERMITTED. Uses permitted as a matter or right in a district are

denoted by an "X" under the district heading in the table of Section II. The uses are subject to restrictions specified elsewhere in this by-law.

II-H. USES REQUIRING SPECIAL PERMITS. Uses designated "ZBA" or "PBP" in the table of Section II may be authorized by special permit of the SPGA (Special Permit Granting Authority), in accordance with the provisions of Section V-B of this by-law.

## SECTION II USE REGULATIONS

Buildings, structures and premises may be used for any of the following purposes listed in this section under the appropriate districts.

	<u>Districts Permitted Uses</u>					
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-A</u>	<u>B</u>	<u>I</u>
Single family dwellings	X	X	X	X	X	
Two family dwellings		X	X	X	X	
Multi-family dwellings			PBP	PBP	PBP	
Conversion of single or two family dwelling to multi-family dwellings			PBP	PBP	PBP	
Garden apartments			PBP	PBP	PBP	
Accessory uses such as patios, breezeways, outdoor fireplaces, storage sheds, and swimming pools but not limited to these specific uses	X	X	X	X	X	X
Private garages	X	X	X	X	X	
Community garages with a capacity of six cars		X				
Community Garages			X	X	X	X

Districts Permitted Uses

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-A</u>	<u>B</u>	<u>I</u>
Practice of a profession within the main building by a surgeon, physician, clergyman, architect, engineer, attorney or similar professional person <u>residing in such main buildings</u> without limit as to resident employees but with a <u>limit of one non-resident employee</u> and provided there is no external evidence of any profession other than permitted signs	X	X				
Practice of a profession by a surgeon, physician, clergyman, architect, engineer, attorney or similar professional person <u>in a dwelling, or office building</u> without limit as to the number of employees and provided there is no external evidence of any profession other than permitted signs			X			
Practice of a profession by a surgeon, physician, clergyman, architect, engineer, attorney or similar professional person <u>in a dwelling or office building</u> without limit as to resident employees but with a <u>limit of one non-resident employee</u> and provided there is no external evidence of any profession other than permitted signs				X	X	X
The use of a room or rooms in a dwelling or accessory building for a home occupation or trade conducted by a resident of the dwelling without limit as to resident employees but with a limit of one non-resident employee and provided there is no external evidence of any business other than permitted signs		X	X	X	X	X
Religious or educational use	X	X	X	X	X	X
Non-profit recreational use		X	X	X	X	X

Districts Permitted Uses

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-A</u>	<u>B</u>	<u>I</u>
The raising of crops not for commercial use	X	X	X			
Only if authorized by the Zoning Board of Appeals under Section V-B, Paragraph 2, subject to appropriate conditions where such are deemed necessary to protect the town, any other uses deemed to be in the public interest, provided they are not injurious, noxious or offensive						ZBA
The use of land or structures for the primary purpose of agriculture, horticulture, floriculture or viticulture including facilities for the sale of produce, wine and dairy products insofar as a majority of such products for sale have been produced by the owner of the land on which the sales facility is located, provided that:	X	X	X	X	X	X
a. Such activities are limited to parcels of more than 5 acres except in R-A zones;						
b. Piggeries and fur farms shall be located 500 feet from any lot line, except that 1 or 2 pigs may be kept in a R-A zone only in a suitable structure no less than 75 feet from any lot line;						
c. Any land use for the pasturing of animals must be properly fenced;						
d. Structures, shelters and waste storage for farm animals shall be located a minimum of 75 feet from any lot line.						

Districts Permitted Uses

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-A</u>	<u>B</u>	<u>I</u>
Keeping of domestic animals and/or fowl provided that accessory structures used for their care shall be at least 20 feet from any lot line		X	X	X	X	X
Renting of rooms or providing of board to not more than four persons in a dwelling		X	X	X	X	X
Rooming or boarding houses		ZBA	ZBA	ZBA	ZBA	
Motels & cabins			X	ZBA		
Nursing homes & rest homes		ZBA				
Nursing homes, rest homes & hospitals			X	X	X	X
Restaurants, provided they are accessory uses incidental to the operation of a motel and are located within such motel			X			
Grocery or drug stores, whether detached or attached to dwellings provided they do not exceed 1500 sq ft of floor area			X			
Commercial greenhouses				X	X	X
Windmills and wind electrical generator towers provided that the setback from any lot line is one and one-half times the overall height, minimum				ZBA	ZBA	ZBA
Campgrounds				ZBA	ZBA	ZBA
Picnic groves & children's camps				X	X	X
Fences	X	X	X	X	X	X
Riding stables & clubs				X	X	X
Golf courses (USEA regulation size)			ZBA	X	X	X

Districts Permitted Uses

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-A</u>	<u>B</u>	<u>I</u>
Restaurants, snack bars, lunch counters and establishments for the sale of beer, wine and liquor to be consumed on the premises			ZBA	ZBA		
Dog kennels and veterinary hospitals			ZBA	ZBA		
Private clubs			ZBA	ZBA		
Mobile home parks			ZBA	ZBA		
Drive-in theaters				ZBA		
Gravel, loam, sand and stone removal for commercial purposes				ZBA		
Rifle ranges, ski tows & boat liveries				ZBA		
Single mobile homes				ZBA		
Stores, salesrooms and showrooms for the conduct of retail business					X	X
Service establishments, such as barber shops, beauty shops, tailor shops, laundry agencies, self-service laundry and dry cleaning shops, shoe repair shops and dry cleaning, pressing and laundry shops, provided only non-explosive & non-flammable solvents are used and no work is done on the premises for retail outlets elsewhere					X	X
Banking, business and other professional offices and office buildings					X	X
Repair shops such as for radio, television, appliance and other similar consumer and industrial articles					X	X
Restaurants, snack bars & lunch counters					X	X

Districts Permitted Uses

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-A</u>	<u>B</u>	<u>I</u>
Package stores, cafes, taverns and other establishments where beer, wine and liquor is sold					X	X
Transportation services such as bus stations and taxis					X	X
Commercial places of entertainments such as theaters, bowling alleys, billiard rooms, dance halls, roller skating rinks, public gymnasiums, driving ranges & miniature or pitch & putt golf courses					X	X
Funeral homes and mortuaries					X	X
Places of business of plumbers, painters, cabinetmakers, building & construction contractors and similar uses compatible with the uses above mentioned					X	X
Warehouses, and buildings and yards used for storage, provided such yards are fenced from the view of abutting lots and the street as required under Section IV-F					X	X
Wholesale, jobbing or distributing establishments, provided no substantial quantities of flammable, explosive or toxic materials are involved					X	X
Shops for the making of custom articles, the major portion of which is sold at retail on the premises					X	X



Districts Permitted Uses

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-A</u>	<u>B</u>	<u>I</u>
Printing shops, machine shops, welding shops and sheet metal shops, provided that no power forges are employed nor more than one hundred horsepower be used as total capacity in electric motive power for each five thousand square feet of floor area employed for such purposes					X	X
Business colleges and private trade schools					X	X
Commercial parking lots, automobile lots, motor vehicle sales, agencies and car washes					X	X
Automobile filling stations and repair garages, except as permitted within motor vehicle sales agencies					ZBA	
Junk yards only as accessory uses incidental to main uses such as repair garages, provided they are fenced off from the view of abutting lots and the street as required under Section IV-F					ZBA	
Filling station/convenience store					ZBA	
Fast food eating establishments					PBP	
Any other use deemed by the Zoning Board of Appeals to be compatible and similar to those listed in this section and to be in the public interest					ZBA	
Laboratories; research, experimental and testing						X

Districts Permitted Uses

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-A</u>	<u>B</u>	<u>I</u>
An accessory use whether or not on the same parcel, which is necessary in conjunction with scientific research or development or related production, provided the ZBA finds that the accessory use does not have a substantial adverse on the surrounding area	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA
Retail, service and industrial complexes (5,000 sq ft or more gross floor area)					PBP	PBP
Light manufacturing such as of clothing, portable electric appliances, leather goods, machinery parts and accessories, small tools and plastic processing such as molding and extruding, provided no power forges are employed, no basic materials are processed, and no more than one hundred horsepower be used as total capacity in electric motive power for each one thousand square feet of floor area employed for such purposes						X
Machine shops, welding shops, sheet metal shops, printing shops and other similar uses, provided that no power forges are employed and that no more than one hundred horsepower be used as total capacity in electric motive power for each one thousand square feet of floor area employed for such purposes						X

Districts Permitted Uses

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-A</u>	<u>B</u>	<u>I</u>
Mixing and packaging of chemicals, drugs, detergents and other consumer and industrial products provided no chemical reactions are involved and any premises used for flammable materials meet the provisions of the applicable fire code of the National Fire Protection Association and that no explosive or poisonous substances are used in substantial quantities						X
Quarries, gravel processing plants and cement mixing plants						X
Foundry casting of metal not causing noxious fumes or odor						X
Municipal cemetery(ies)			X	X	X	X

<b><u>TABLE 1</u></b>									
<b>Zone</b>	<b>Type of Use</b>	<b>Minimum Lot Area Sq. Ft.</b>	<b>Frontage Ft.</b>	<b>Minimum Setback Dimensions, Ft. Front-Side-Rear</b>			<b>Max % Lot Coverage (See Definition)</b>	<b>Max Height Stories</b>	<b>Ft</b>
R-1	All	22,500	150	30	20	40	20	2 1/2	35
R-2	One family dwelling	10,000	75	25	10	30	30	2 1/2	35
R-2	Two family dwellings	15,000	100	25	10	30	30	2 1/2	35
R-2	Other than dwellings	20,000	100	35	20	30	30	3	35
R-3 & B	One family dwelling	22,500	150	25	20	30	30	2 1/2	35
R-3 & B	Two family dwellings	27,500	175	25	20	30	30	2 1/2	35
R-3 & B	Multi-fam 1st 3 units	32,500	200	30	20	40	30	2 1/2	35
R-3 & B	Multi-fam 4 units	37,500	225	30	20	40	30	2 1/2	35
R-3 & B	Other than dwellings	22,500	150	35	20	30	(R-3) 30 (B) 50	3	35
R-3 & B	Garden apartments	See III-H	200	50	50	50	30	2 1/2	35
R-A	One family dwelling	87,120 (2 acres)	200	30	20	40	20	2 1/2	35
R-A	Two family dwellings	87,120 (2 acres)	200	30	20	40	20	2 1/2	35
R-A	Multi-fam 1st 3 units	108,900 (2 1/2 acres)	250	30	20	40	20	2 1/2	35
R-A	Multi-fam 4 units	108,900 (2 1/2 acres)	250	30	20	40	20	2 1/2	35
R-A	Other than dwellings	87,120 (2 acres)	200	40	40	50	20	3	35
R-A	Garden apartments	See III-H	300	50	50	50	20	3	35
I	All	87,120	200	35	40	40	50	---	35